

## **Remarks**

### **1. Summary of the Office Action**

In the office action mailed May 29, 2008, the Examiner rejected claims 1-8, 11-12, 17-20, 23-27, and 29 on grounds of alleged non-statutory obviousness-type double patenting over claims 1-8, 10-11, 15-18, and 21-26 of U.S. Patent No. 7,299,005. Also, the Examiner rejected claims 1-2, 8-14, 16-18, 21-25, and 28-30 under 35 U.S.C. § 103(a) as being allegedly obvious over various primary and secondary references. Additionally, the Examiner objected to claims 3-7, 19-20, and 26-27 as depending from rejected base claims, but indicated that these claims would be allowable if rewritten in independent form.

### **2. Response to Double Patenting Rejection**

Applicant submits herewith a terminal disclaimer to overcome the double-patenting rejection of claims 1-8, 11-12, 17-20, 23-27, and 29. Applicant further submits that this rejection is now moot.

### **3. Status of the Claims**

Applicant has amended independent claim 1 to include the subject matter of claim 3 that the Examiner indicated would be allowable, and Applicant has accordingly cancelled claim 3. Applicant has also amended claims 4, 6, and 7 to depend from claim 1 rather than claim 3.

Furthermore, Applicant has amended independent claim 18 to include the subject matter of claim 19 that the Examiner indicated would be allowable, and Applicant has accordingly cancelled claim 19. Applicant has also amended claim 20 to depend from claim 18 rather than claim 19.

Additionally, Applicant has amended independent claim 25 to include the subject matter of claim 26 that the Examiner indicated would be allowable, and Applicant has accordingly

cancelled claim 26. Applicant has also amended claim 27 to depend from claim 25 rather than claim 26.

Thus, currently pending are claims 1-2, 4-14, 16-18, 20-25, and 27-30, of which claims 1, 18, and 25 are independent and the remainder are dependent.

By amending the claims in this manner, Applicant does not acquiesce in the rejection of any of these claims. Rather, Applicant is making these amendments without prejudice to expedite prosecution, and Applicant reserves the right to pursue any of the rejected claims in a continuing application.

#### **4. Conclusion**

Applicant respectfully requests favorable consideration and allowance of all of the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3361.

Respectfully submitted,  
**McDONNELL BOEHNEN**  
**HULBERT & BERGHOFF LLP**

Dated: August 1, 2008

By: /Michael S. Borella/  
Michael S. Borella  
Reg. No. 62,361